

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69349 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- AKILPUR District- Saran

BUTAN RAI son of LATE AWADHESH RAI VILL-KEDALPURA PS-
AKILPUR DIST-SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rajani Kumari, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Akilpur P.S. Case No. 31/ 2023 dated 30/04/2023
registered for the offence(s) punishable under Section(s) 30(a)
of Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that as per seizure memo, the
alleged wine was recovered from a maize field and the
petitioner is said to have fled on seeing the police party and he
has been dragged mainly on account of his identification being
revealed by some nearby persons, who gathered at the time of
recovery, as per police which is not sufficient to implicate the
petitioner, who has got no criminal antecedent and the petitioner
has no connection with the place of recovery and no



independent person was made witness of the alleged seizure. Further submission is that in the light of circumstances appearing against this petitioner from the FIR and the seizure list concerned to the alleged recovery, the alleged offence of Excise Act does not even prima facie attract against this petitioner hence, his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions, this court is of the opinion that petitioner's prayer for anticipatory bail is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Akilpur P.S. Case No. 31/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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